

# Order

Michigan Supreme Court  
Lansing, Michigan

Entered: November 25, 2003

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

2003-60

Proposed Amendment of  
Rule 5.125 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 5.125 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal, or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing by the Court. The schedules and agendas for public hearings are posted at [www.courts.michigan.gov/supremecourt](http://www.courts.michigan.gov/supremecourt).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

## Rule 5.125 Interested Persons Defined

(A) - (B) [Unchanged.]

(C) Specific Proceedings. Subject to subrules (A) and (B) and MCR 5.105(E), the following provisions apply. When a single petition requests multiple forms of relief, the petitioner must give notice to all persons interested in each type of relief:

(1) - (5) [Unchanged.]

(6) The persons interested in a proceeding for examination of an account of a fiduciary are the

(a) devisees of a testate estate, and if one of the devisees is a trustee or a trust, the persons referred to in MCR 5.125(B)(3),

- (b) heirs of an intestate estate,
- (c) protected person and presumptive heirs of the protected person in a conservatorship,
- (d) claimants, ~~and~~
- (e) current trust beneficiaries in a trust accounting, and
- (f) such other persons whose interests are affected by the relief requested, including insurers who might be subject to financial obligations as the result of the approval of the account.

(7) - (31) [Unchanged.]

(D) - (E) [Unchanged.]

Staff Comment: The proposed amendment of MCR 5.125 would add such entities as insurance companies to the list of interested persons who must receive notice of a proceeding for an examination of an account of a fiduciary, if the insurer potentially might be liable for all or part of the relief sought.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on this proposal may be sent to the Supreme Court Clerk in writing or electronically by March 1, 2004, at P.O. Box 30052, Lansing, MI 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). When filing a comment, please refer to ADM File No. 2003-60. Your comments and the comments of others will be posted at [www.courts.michigan.gov/supremecourt/resources/administrative/index.htm](http://www.courts.michigan.gov/supremecourt/resources/administrative/index.htm).



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

*Monomfa 25*, 2003

*Corbin R. Davis*

Clerk